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EXAMINER

MCCREARY, LEONARD

ART UNIT PAPER NUMBER

3616

DATE MAILED: 10/10/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/724,754

Applicant(s)

GALMICHE ET AL.

Examiner

Leonard J. McCreary, Jr.

Art Unit

3616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 July 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2 and 4-7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2 and 4-7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
- Paper No(s)/Mail Date _____.

- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-2 and 4-7 stand rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. 6,131,950 to Schroter in view of U.S. 5,536,043 to Lang et al. Schroter discloses a knee restraint for vehicles comprising the following:

- a. An inflatable structure comprising a side wall 18 and an end wall, the inflatable structure having a folded configuration and a deployed configuration, a support 30 for the inflatable structure, means 16 for inflating the structure in a direction of inflation in order to deploy it, a plate 10 for spreading the load when an occupant of the vehicle impacts on the deployed inflatable structure, means of guiding the structure as it deploys so that, in the deployed configuration, the structure extends along a median directrix line distinct from the direction of inflation wherein the guide means comprise the side wall 18 of the structure which, in the deployed configuration, is substantially taut, and wherein the set further comprises a sheath 18 forming the side wall of the inflatable structure and comprising an open first end 34 fixed to the support 30 (claim 1.)

b. The side wall 18 of the structure has a first diagonal d_1 shorter than a second diagonal d_2 of the side wall so that, as the structure deploys, the side wall which is substantially taut along the first diagonal brings the structure towards the median directrix line as shown in Figure A below (column 1, line 56 – column 2, line 11) (claim 2.)

c. When the structure is in the deployed configuration, the side wall 18 extends substantially over its entire periphery along generatrices parallel to the median directrix line L as shown in Figure A below (Fig. 4) (claim 4.)

d. The median directrix line L is intended to be inclined upwards with respect to the direction of inflation D when the set of equipment is installed in a motor vehicle as shown in Figure A (Fig. 4) (claim 5.)

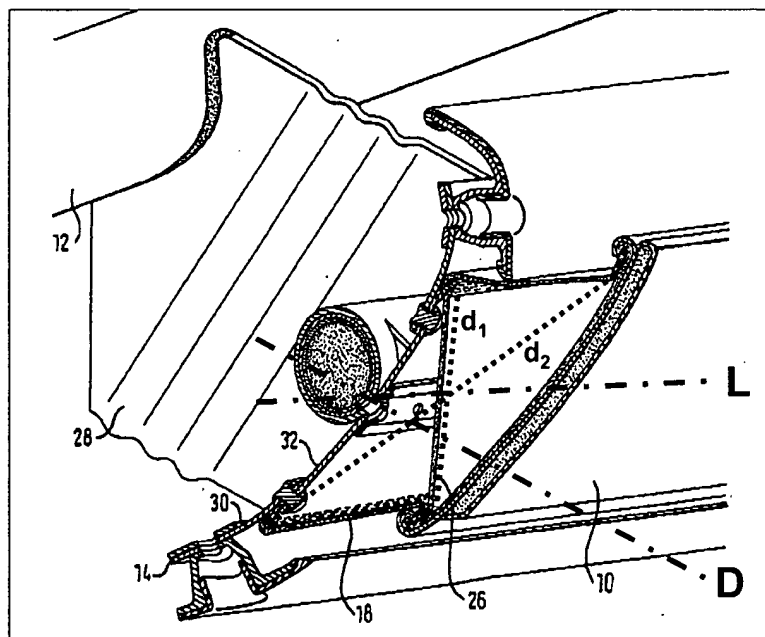


Figure A. Prior art of Schroter.

e. An element for protecting the knees of an occupant of the motor vehicle
(column 1, lines 3-5) (claim 6.)

2. Schroter does not teach a sheath with an open second end fixed to the load-spreading plate, the load-spreading plate closing off the open second end to form the end wall of the inflatable structure. Lang discloses a deployable knee bolster and teaches an open second end fixed to the load spreading plate 28, the load spreading plate closing off the open second end to form the end wall of the inflatable structure (fig. 5.) Re claim 1, it would have been obvious to one of ordinary skill in the art at the time of invention to modify the knee restraint device of Schroter to include a sheath with an open second end fixed to the load-spreading plate as taught by Lang so as to reduce manufacturing costs.

3. Re claim 7, although the use of knee bolsters in motor vehicles is old and well known in the art, Schroter does not specifically disclose a motor vehicle. However, Lang discloses that the safety device is provided in an automotive vehicle. Accordingly, it would have been obvious to one of ordinary skill in the art at the time of invention to have the device of Schroter provided in an automotive or motor vehicle in view of the teachings of Lang so as to effectively protect the occupant of the motor vehicle and as such is old and well known in the art.

Response to Arguments

4. Applicant's arguments with respect to claims 1-2 and 4-7 have been considered but are moot in view of the new ground(s) of rejection.

Art Unit: 3616

5. Applicant argues Lang does not disclose a sheath having an open second end, rather discloses a conventional inflatable bag with a second end closed by a bottom, and draws attention to several parts of the patent for support:

6. Re Lang col 4, lin 28-30, applicant asserts engagement of the second end with the load-spreading plate cannot be achieved if the second end is open. Examiner disagrees and notes that, as shown in Lang fig. 5, the terminal ends of sheath 26 clearly engage the load-spreading plate 28. It is necessary only for the engagement to be semi-hermetic, not necessarily enclosed by airbag wall.

7. Re Lang col 4, lin 40-43, applicant asserts pressure acting on the panel from the inflating airbag necessitates a closed second end. Examiner disagrees, because Lang states "pressure acting on the back of the panel 28" and does not specify an airbag face acting on the back of the panel. This is further supported by Lang fig. 5, which shows terminal ends of the sheath 26 connected to the plate 28.

8. Re Lang col 4, lin 59-65, applicant asserts the phrase, "the second end of each of the tethers 46, 48, and 50 is attached to the forward facing side of the panel 28 by a first retaining ring 52 which is positioned internally of the airbag 26" necessarily means the second end of the airbag is closed. Examiner disagrees and draws reference to col 4, lin 54-56: "A first end of each of the tethers 46, 48, and 50 is securely attached to the reaction canister or housing 22 by the retaining ring 42..." The first (inflator) end of the airbag is unquestionably open, and the tethers and open-ended airbag sheath are attached to the housing with the retaining ring 42. The second (panel) end of the airbag is likewise open, the tethers and open-ended airbag sheath are attached to the panel

using the same method with retaining ring the 52. Fig. 5 clearly shows identical mounting structure for opposing ends of the airbag sheath 26.

9. Re Lang col 5, lin 1-3, the term "bladder" refers only to a receptacle for holding liquid or gas and not to specific structure. Examiner notes an example that an industrial vehicle air suspension "bladder" is typically a tubular open-ended rubber bellows terminating at opposing steel end caps. Further, the airbag of Lang indisputably has an open first end and is still considered a "bladder," and is thus still considered a bladder as disclosed with a second open end.

10. Examiner maintains that one of ordinary skill in the art reviewing the specification and fig. 5 of Lang would undoubtedly reconstruct the invention having an open second end of the airbag sheath 26 terminating at load-spreading plate 28.

Conclusion

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

Art Unit: 3616

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Leonard J. McCreary, Jr. whose telephone number is 571-272-8766. The examiner can normally be reached on 0700-1700 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Dickson can be reached on 571-272-6669. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



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Art Unit 3616



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